

REMARKS

In light of the remarks to follow, reconsideration and allowance of this application is respectfully requested.

Claims 2-6 are in this application.

Claims 2 and 3 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Wakui, U.S. Patent 5,648,816.

Independent claim 2 cites in part as follows:

“...control means for causing said first recording mode to be automatically set when the loading of said first recording medium is detected by said detection means.” (Underlining and bold added for emphasis)

In explaining the above 102 rejection, the Examiner appears to rely on col. 19, lines 48-53 and Fig. 16 of Wakui to teach the above identified feature of claim 2. It is respectfully submitted that the portions of Wakui applied by the Examiner (hereinafter “Wakui”) do not appear to teach the above-identified feature of claim 2.

That is, Wakui appears to determine a remaining storage capacity of a memory card. If there is enough storage capacity to store an image, recording of image data in an image flash memory is stopped and the memory card recording mode is set. On the other hand, in claim 2, the first recording mode is set when the image capturing apparatus detects the loading, and not the storage capacity, of the first recording medium.

For reasons similar to those described above with regard to amended claim 2, claim 3 is believed to be distinguishable from Wakui.

Claims 4-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wakui in view of Honda, U.S. Pub. No. 2001/0014202.

For reasons similar to those described above with regard to claim 2, independent claims 4-6 are believed to be distinguishable from Wakui. The Examiner does not appear to have relied upon Honda to overcome the above-described deficiencies of Wakui. Accordingly, claims 4-6 are believed to be distinguishable from the applied combination of Wakui and Honda.

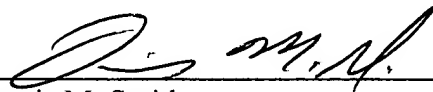
In the event, that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where, in the reference or references, there is the basis for a contrary view.

In view of the foregoing, favorable reconsideration and withdrawal of the rejections of claims 2-6 and the allowance of this application with claims 2-6 are respectfully requested.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,  
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